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Technology Center 2100

PATENT

Attorney Docket No. 82001-0317

at 6
6-18-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dean Weldon BOYD et al.

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Application No.: 09/987,706

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Filed: November 15, 2001

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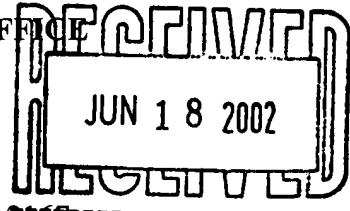
For: PROMOTION PRICING SYSTEM AND METHOD

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) Art Unit: 2167-----

) Examiner: Not Yet Known

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application. One copy of each of the listed documents is submitted herewith.

This information disclosure statement is being filed within one of the following time periods: before the mailing date of a first Office Action on the merits. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

Applicants respectfully request that the Examiner consider the International Search Report (U.S. Search Authority) dated March 15, 2002 in PCT Application PCT/US01/43100. Each cited reference listed on the PTO-1449 was first cited in the subject communication from the International Search Authority in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1). Applicants further request that the Examiner considers the listed documents and evidence that consideration by making appropriate notations on the attached form PTO-1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art."

the Examiner applies the documents as "prior art" against any claims in the application and Applicants determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

HOGAN & HARTSON LLP

By: 

(Reg. # 43,110)

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Dated: June 11, 2002

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Sheet 1 of 1

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|-------------------------------------------------------------------------------------------|--|-------------------------------------------------------------|--------------------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE | | ATTY/DOCKET NO. Technology Center 2100 82001-0317 | APPLICATION NO. 09/987,706 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | APPLICANTS Dean Weldon BOYD et al. | |
| | | FILING DATE November 15, 2001 | GROUP 2167 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | PATENT NUMBER | ISSUE DATE | PATENTEE | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|------------------|---------------|-------------------|-------|----------|----------------------------------|
| | 6,029,139 | 02/22/2000 | Cunningham et al. | 705 | 10 | 01/28/1998 |
| | 6,044,357 | 03/28/2000 | Garg | 705 | 10 | 05/05/1998 |
| | 6,061,691 | 05/09/2000 | Fox | 707 | 104 | 12/18/1998 |
| | 6,085,164 | 07/04/2000 | Smith et al. | 705 | 5 | 03/04/1997 |
| | 6,094,641 | 07/25/2000 | Ouimet | 705 | 10 | 05/21/1998 |
| | 6,223,163 | 04/24/2001 | Van Luchene | 705 | 1 | 03/20/1998 |
| | | | | | | |

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

| | DOCUMENT NUMBER | PUBLISHED DATE | COUNTRY | CLASS | SUBCLASS | ABSTRACT | |
|--|--------------------|-------------------|---------|-------|----------|----------|----|
| | | | | | | Yes | No |
| | | | | | | | |
| | | | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------|
| | InternationalSearch Report (U.S. Search Authority), PCT/US01/43100, dated March 25, 2002 |
| | FRIEDMAN, D.D., "Price Theory: An Intermediate Text," 2 nd Edition, South-Western Publishing Co., 1990, Chapter 10, Part 2, Pages 255-263 |
| | MOHN, N.C., "Pricing Research For Decision Making," Marketing Research, Winter 1995, Vol. 7, No. 1, pp. 10-19 |
| | GARRY, M., "Computing Promotions," Progressive Grocer, July 1995, Vol. 74, No. 7, p. 95 |
| | ANON, "Hyperion and Informatica Help Customers Extend the Value of Data in ERP Systems and Data Warehouses," Business Wire, 27 April, 1999 |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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